

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSHUA SHUMAN, a minor by and through
his mother and natural guardian, TERESA
SHERTZER, and TERESA SHERTZER
Plaintiffs,

v.

PENN MANOR SCHOOL DISTRICT,
PENN MANOR SCHOOL BOARD,
GARY B. CAMPBELL, individually and as
Superintendent of the Penn Manor School
District,
AND
DONALD STEWART, individually and as
Acting Superintendent of the Penn Manor
School District,
AND
JANICE M. MINDISH, individually and as
Principal of Penn Manor High School of the
Penn Manor School District,
AND
BRIAN D. BADDICK, individually and as
Assistant Principal of Penn Manor High School
of the Penn Manor School District,
AND
PHILIP B. GALE, individually and as Dean of
Students of Penn Manor High School of the
Penn Manor School District,
AND
CAROLE FAY, individually and as a teacher
and Agriculture Coordinator at Penn Manor
High School of the Penn Manor School
District,
Defendants.

CIVIL ACTION
No. 02-CV-3594

(GARDNER)

PLAINTIFFS' THIRD AMENDMENT TO TRIAL MEMORANDUM

Plaintiffs, Joshua Shuman and Teresa Shertzter, by and through their undersigned counsel, file the within Third Amendment to Trial Memorandum. The purpose of the third amendment is to add an additional Exhibit which was omitted from Plaintiffs' Trial Memorandum, Amendment to Trial Memorandum and Second Amendment to Trial Memorandum. Plaintiffs listed the deposition transcripts in their Second Amendment to Trial Memorandum, but inadvertently omitted one transcript. This deposition transcript is admissible pursuant to Federal Rule of Civil

Procedure 32 and Federal Rule of Evidence 801 and 804. The following is the Exhibit which was inadvertently omitted and Plaintiffs wish to add to their Exhibit lists in their Trial Memorandum, Amendment to Trial Memorandum and Second Amendment to Trial Memorandum:

P-49 Olivia Becker Deposition Transcript

Respectfully submitted,

BY: /s/ Deirdre A. Agnew
DEIRDRE A. AGNEW, ESQUIRE
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DATE: February 26, 2004

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CERTIFICATE OF SERVICE

I, Deirdre A. Agnew, Esquire, hereby certify that on the 26th day of February, 2004, a true and correct copy of Plaintiffs' Second Amendment to Trial Memorandum, was served on Defendants or their counsel via first class, regular mail, postage prepaid, at the following address:

Ellis H. Katz, Esquire
Jason R. Wiley, Esquire
Sweet, Stevens, Tucker & Katz, LLP
331 Butler Avenue
P.O. Box 5069
New Britain, PA 18901

BY: /s/ Deirdre A. Agnew
DEIRDRE A. AGNEW, ESQUIRE